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| Notice of Allowability | Application No. | Applicant(s) | |
| | 09/960,246 | PECUS ET AL. | |
| | Examiner Inder P. Mehra | Art Unit 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to amendment dated 2/28/06.
2. The allowed claim(s) is/are 1-2, 4-6 and 3(Renumbered as 1-6 respectively).
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date see office action
4. Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date 8/27/06
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.



JOHN PEZZLO
PRIMARY EXAMINER

DETAILED ACTION

1. This office action is in response to amendment dated: 2/28/06. Based on this amendment, claims 1-6 are pending.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 6/15/06, 2/28/06, 11/8/05 (submitted twice, duplicate), 11/8/05 was filed . The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David A. Loewenstein, Attorney, Reg. No. 35,591 on 8/23/06.
The application has been amended as follows:

Refer to claim 1, line 4. Limitation, “, the media servers capable of being added or removed” has been replaced with --changes--.

Refer to claim 1, line 14. Limitation, “capable of determining” has been changed to --to determine--.

Refer to claim 1, line 15, Limitation “the servers connected to it” has been changed to --the media servers connected to the load balancer--”.

Allowable Subject Matter

4. Claims 1-6 are allowed.

REASONS FOR ALLOWANCE

5. The following is an examiner’s statement of reasons for allowance:

The prior art of record does not disclose, teach or suggest directly, or indirectly the following limitations in combinations with other limitations of the claims, as follows:

As recited by claim 1,

“a variable number of media servers, changeable during operation, to meet changes in demand for data”; “a public VLAN comprising an outbound router connected to the media servers for transmitting content to the last mile service provider, and a load balancer connected to the variable number of media servers to determine which of the servers connected to it is best able to meet a user's request for content”; “where the firewall connects both the public and private VLANS”.

As recited by claim 3,

“during edge node operation, adding or removing media servers installed in the edge node based on the number of users from whom the requests for content are received; using a load balancer to ascertain the number of servers presently installed in the edge node; using the load balancer to determine which of the servers are best able to meet the requests; using the determined servers to meet the requests; and transmitting the content to the last mile service provider via a public VLAN comprising an outbound router connected to the media servers and the load balancer”.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Prior Art of Record

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Singal et al (US Patent Application Publication No. 2005/007 1496) discloses a method, system, and computer readable medium for delivering media object.

Conclusion

Art Unit: 2617

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P. Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Inder Pal Mehra 8/31/06
Inder P Mehra
Examiner
Art Unit 2617



JOHN PEZZLO
PRIMARY EXAMINER